

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

RAMON M. ESQUIVEL
TX-1324466-G

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DOCKETED COMPLAINT NO.
08-005

AGREED FINAL ORDER

On this the 21st day of August, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Ramon M. Esquivel (Respondent).

In order to conclude this matter, Ramon M. Esquivel neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Ramon M. Esquivel is a Texas state certified general real estate appraiser, holds certification number TX-1324466-G, and has been certified by the Board during all times material to the above-noted complaint case.
2. On or about January 9th, 2007, Respondent agreed to appraise real property located at #181 County Road 173, Kennedy, Texas 78119 ("the property").
3. On or about September 28th, 2007, the Complainants, Michele Becker and Kelly Bleeker, filed a complaint with the Board. The complaint alleged that Respondent agreed to appraise the property, was paid some money towards the assignment, but never completed the report.
4. On or about November 2nd, 2007 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent denies and disputes these allegations and alleges that Complainants paid a partial down payment of \$1,750.00 (out of the total appraisal fee of \$3,500.00) and that Complainants cancelled the contract for appraisal services and refused to acknowledge that Respondent was owed for partial services rendered.

6. The parties hereby enter into the foregoing consent order in accordance with TEX. OCC. CODE § 1103.458.

7. Without admitting any wrongdoing, and in order to resolve these matters without incurring the time and expense of litigation, Respondent consents to this Agreed Final Order.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.

2. The parties are authorized to resolve their dispute by means of a consent order in accordance with TEX. OCC. CODE § 1103.458.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Pay to the Board an administrative penalty of \$400.00; and,
- b. Continue to comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, and must be tendered within **TWENTY DAYS** of the date of this Agreed Final Order.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 3rd day of August, 2009.


RAMON M. ESQUIVEL

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 3rd day of August, 2009, by RAMON M. ESQUIVEL, to certify which, witness my hand and official seal.



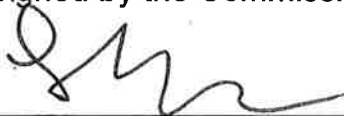
Notary Public Signature

BRITTANY A. MUTSCHLER
Notary Public's Printed Name



Notary without Bond

Signed by the Commissioner this 21st day of August, 2009.



Loretta DeHay, Interim Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 21st day of August, 2009.



Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board